

Law Enforcement News

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In this issue:

Around The Nation: A coast-to-coast roundup of police news. **Pages 2, 3.**
People & Places: Empty saddle in Jackson; lucky number; LA law, part 1 & 2; heroes' welcome; museum pieces. **Page 4.**
Super models: DoJ names 9 model sites for community policing approaches. **Page 5.**
Freeh at last: FBI director heads for the exit. **Page 5.**
Sounds of silence: Portland PD hears concerns of deaf residents. **Page 5.**
Sign of the times: DARE officer uses her hands to reach the hearing-impaired. **Page 5.**
Split decision: Supreme Court divides sharply on arrest powers. **Page 6.**
Good in theory: Subsidizing cops to live on state land — a good idea gone bad? **Page 6.**
Thumbs up: Pawnshop customers may have to leave a fingerprint. **Page 6.**
Upping the ante: Paying bonuses to cops who recruit viable candidates. **Page 6.**
The Pitts: Complaint-review panel in Pittsburgh isn't measuring up. **Page 7.**
New watchdog: Aggressive prosecutor will head review panel for LA sheriff. **Page 7.**
Giving notice: Judge's order can't stop chief from issuing sex-offender alert. **Page 7.**
Handoff: Special prosecutor gets case that sparked Cincinnati rioting. **Page 8.**
Less than meets the eye: Casting doubt on eyewitness testimony. **Page 8.**
Third time's the charm? Black FBI agents win another round in court. **Page 8.**
Forum: A new challenge for cops; leadership & the bond of trust. **Page 9.**
Reasonable doubts: Oklahoma City lab work is under scrutiny. **Page 11.**

Walking off into the sunset?

The days may be numbered for the COPS office

Local law enforcement agencies that have long credited the Justice Department's Office of Community Oriented Policing Service for providing hiring and technology grants to jump-start a variety of neighborhood-based initiatives are going to have to learn to get along without the program's assistance, with the prospect of significant budget cuts that have been proposed for 2002.

The \$1.96-trillion budget proposal that President Bush presented to Congress on April 9 includes a 17-percent reduction in money for the COPS office. Funding would drop by nearly \$200 million, or from \$1.03 billion to \$855 million. The cuts will not, however, affect any pending grants.

Chief Robert K. Olson of Minneapolis, who serves as president of the Police Executive Research Forum, said much will depend on where the cuts will be made. If the Universal Hiring Program grants, used to obtain additional personnel for community policing initiatives, should take the hit, the impact would mostly be felt among small and medium-sized departments, he said.

PERF is concerned, Olson said, that many of the research and best-practice development projects that were funded by the COPS office will be set aside due to the tightened budget.

"We really believe that's critical," he said.

"We're concerned some of that money might disappear, and we really hope that it doesn't."

Nicholas Pastore, a former police chief of New Haven, Conn., and now a fellow with the Criminal Justice Policy Foundation, points with dismay to the increases in what he called "encourage arrest grants," which, for example, may put greater emphasis on detection and apprehension in drug cases rather than prevention. Pastore sees these grants as an indication that law enforcement will be moving further from the community policing philosophy.

"That detracts from good, solid, engaged community policing and moves us into a draconian type of approach in dealing with social issues. And I think it's a terrible mistake and will fly in the face of good sound community

Continued on Page 11

Increasingly, Illinois drivers are just saying 'no' to field sobriety tests

The number of DUI arrests in Illinois increased by nearly one-fourth between 1997 and 2000, but the number of suspects who refused to take field sobriety tests rose by nearly three times that amount during the same period, according to some troubling statistics released this month by the State Police.

DUI arrests in the state's 102 counties increased by 24 percent during the three-year period, while the number of refusals to take field sobriety tests rose by 62 percent.

Such refusals have become a growing problem in Illinois, said Det. John Lawson of the Roselle Police Department. Suspected drunk drivers, he said, can manipulate a loophole in the law in this fashion: After being stopped on suspicion of DUI, the motorist refuses a field sobriety test but is still arrested and required to submit to a Breathalyzer. Refusal to take a Breathalyzer can result in a six-month license suspension, but that may be appealed. Without a field sobriety test, the motorist can argue before a judge that there was no probable cause for the arrest, and thus no cause for a Breathalyzer to be given. If the judge agrees, the suspension can be rescinded.

The driver can then use that at trial on the DUI charge.

"What's happening is officers are making the arrest to get the person off the street, and then at the first court date, 99 percent of the time, the judges are finding no probable cause and throwing the case out," Lawson told Law Enforcement News.

In addition, drivers are now using something called the Autopass 2000, a kit developed and marketed by Wheaton defense attorney Donald Ramsell, which reminds motorists that they are not required to take field sobriety tests. A jury in Lake in the Hills recently rejected a DUI case against a Crystal Lake man who had used the kit and refused field sobriety testing, said Ericka Thomas, the village prosecutor.

"How can we gather evidence to get an impaired driver off the street when that person refuses to do field sobriety tests?" asked Lawson.

For the past five years, Lawson has been a leading spokesman for a coalition of law enforcement officials and politicians who are seeking to strengthen the state's DUI laws. Lawson said that under the bill proposed by state Representative Tom Dart

(D.-Chicago), drivers who refuse a field sobriety test could lose their licenses for up to six months. If they are stopped a second time within five years and again refuse to comply, they could lose their licenses for two years.

The bill, however, has repeatedly failed to pass. "The opposition is defense attorneys and liquor lobbyists," Lawson told LEN, "and they're very influential in Springfield."

Despite the obstacles, it is not impossible to convict drunk drivers. "It definitely presents a challenge as far as

proof issues go," Thomas told The Chicago Daily Herald. "But it does not make it unprovable."

Karen Bune, a consultant to the Justice Department on victim's issues and a former senior case manager with the Arlington, Va., Alcohol Safety Action Program, said there are other ways of detecting drunk drivers. "If there are any witnesses who either saw the person driving other than the officer, or if there was an accident involved...I don't think it's going to deflect from people getting arrested for DUI," she told LEN.

Licensing illegal aliens: a hot topic in Minnesota

Minneapolis Police Chief Robert Olson can cite any number of sound reasons for allowing illegal immigrants in his city to obtain driver's licenses. It is unlikely, however, that his rationale will convince the state's Public Safety Commissioner, Charlie Weaver, who remains adamantly, though respectfully, opposed to the idea.

The issue has been taken up by two faith-based organizations, which sponsored a rally in St. Paul this month. "Our position is that undocumented workers are a reality in this state, and to have potentially tens of thousands of people driving around with no license is a public safety issue for everyone involved," Elizabeth Badillo-Moorman, co-chair of the group Isaiah, told The Associated Press.

Olson, along with St. Paul Police Chief William Finney, support the initiative, maintaining that enforcing immigration laws is not their job. Said Olson: "Immigration issues are national issues, not a local issue. And we have no authority to arrest for that anyway."

Licensing undocumented immigrants makes sense from a public safety standpoint because at least police would know the driver had passed some sort of proficiency test, Olson told Law Enforcement News. Moreover, he

pointed out, licensed motorists are eligible for insurance, and the chances of the name on the license being phony are no greater than they would be for a legal resident.

According to a study released last summer by economic researcher James Kiehlkopf, illegal immigrants account for between 18,000 and 48,000 people in Minnesota's work force.

"It would be easy to stick our heads in the sand and pretend this isn't an issue, but these workers are here and they're driving," state Senator Randy Kelly (DFL-St. Paul) told The Associated Press. "We need to make sure they have passed the required tests to drive."

If it were just a matter of getting unlicensed driver's licenses, then Weaver said he would be on the same page as Isaiah and the Jewish Community Action, the other group that organized the rally in the state capital. But the integrity of licenses as a form of identification must be maintained, he told LEN.

"Fundamentally, it's do we know who these people are?" said Weaver. "The driver's license is the most important identity document there is. It's the gateway to credit cards and checking accounts and you name it, access

Continued on Page 10

School bells ring anew for hundreds of NYC officers

Hundreds packed the auditorium at John Jay College of Criminal Justice this month for the first day of a two-course program aimed at giving roughly 600 New York City police officers the opportunity to launch or further their academic careers.

Under the New York City Police Certificate program, officers may choose to take either one or both classes, earning up to six credits. The courses, "Policing in a Multicultural City" and "Supervision and Leadership in the Police Service," are both tuition-free and will be taught two days a week, seven hours a day, for six weeks.

In a welcoming speech, Gerald W. Lynch, the college's president, praised the officers for taking advantage of the program, noting: "In the 21st century, we are going to require, throughout policing in America and the entire world, more and more college education. You are being smart to get your degree, to get these courses, and to move forward so you can be prepared for the future and the opportunities it will bring."

The courses were funded by a \$500,000 grant by the City Council, with a promise from Council president Peter Vallone of additional funding. The

program allows students to apply the six transferable credits of coursework toward a major, as electives or toward the ethnic studies component of the general educational requirement.

"It's a great chance for John Jay to serve the population it was established to serve, and it's getting police officers back to school who need this little bit of encouragement of a couple of free tuition courses," said James Curran, the college's dean of special programs.

Herbert E. Berman, who chairs the City Council's finance committee, called the turnout for the program an

Continued on Page 10

Around the Nation

Northeast



DISTRICT OF COLUMBIA — Police Chief Charles H. Ramsey said that the department will begin reassigning 19 officers implicated in an e-mail scandal to positions where they will have no contact with the public. Investigators from the Office of Professional Responsibility have gone through 971,000 messages transmitted from patrol car computers and found 21,000 that were deemed inappropriate. The e-mail messages are believed to contain racist, sexist or anti-gay content. The officers will be assigned administrative jobs until investigations and disciplinary proceedings have been completed. [See LEN, March 31, 2001.]

D.C. police officer Tracey Greenfield had just finished her probationary period on the job when an argument with her boyfriend ended in her shooting him in the chest and then killing herself. Hunter was in serious condition at Washington Hospital Center.

MASSACHUSETTS — Crime on the Massachusetts Bay Transportation Authority dropped by about 6 percent last year, capping an aggregate 40-percent decline over the past decade. One of the reasons for the decline, said Police Chief Thomas O'Loughlin, was that there are now about 100 officers patrolling the stations, compared to about 20 just a few years ago.

NEW JERSEY — Police in Jersey City have installed an array of high-tech hidden cameras that can rotate through 360 degrees and zoom in and out, and will be monitored 24 hours a day by civilian operators. The 18 cameras focus on a primarily retail district, but the presence of several hundred homes above the storefronts has caused some civil libertarians to worry that the cameras are too invasive. A spokesman for the company that designed the system, EKOR Security Partnership, said a computer program automatically places black or gray squares on residential windows if the camera is trained in that area. The system quickly resulted in one arrest, capturing a shooting on-camera the day the officers were setting up the equipment.

Irvington Police Officer William Milton shot and killed an unarmed motorist he suspected of stealing a car, but who was in fact driving his girlfriend's daughters to school. Four years earlier, Milton killed another motorist in a similar incident. On April 30, according to prosecutors, Milton shot Bilal Colbert once in the neck after Colbert accelerated in reverse as Milton tried to question him about the stolen car. In the earlier case, a grand jury found no wrongdoing.

NEW YORK — Matthew Murphy resigned as a Nassau County police officer May 7 after being charged with third-degree bribe-receiving and official misconduct for allegedly forcing a motorist to perform a sex act in exchange for her release. Murphy reportedly agreed to plead guilty to the reduced charges in exchange for the dropping of first-degree sodomy charges.

The New York City Patrolmen's Be-

nevolent Association has taken its case for a better pay scale to the "crossroads of the world," paying for a huge billboard in Times Square that reads "No wonder N.Y.C. can't hire cops." The ad, which was unveiled just hours before a scheduled appearance there by Mayor Rudolph Giuliani, used stacks of money to illustrate the hourly pay of a NYPD officer, \$28.82, compared to that of a Nassau County officer, \$49.68, and officers with other area departments.

Niagara Police Chief John Keller told the Town Board that there are not enough officers to cover all the shifts because one full-timer and one part-timer are on disability, and others are leaving for neighboring departments that pay more. The board, which is considering the problem, suggested that Keller give his remaining four full-timers more overtime. The department also has seven part-time officers.

A Texas man, David Garber, has been indicted on 22 counts after he allegedly conned Latino store owners in Brooklyn out of thousands of dollars by posing as a police officer collecting donations for missing and exploited children.

The New York Board of Education is joining forces with law enforcement to round up truants citywide. The Truancy Reduction Alliance to Contact Kids (TRACK), which is based on a program launched in Brooklyn in 1998, teams school attendance teachers with police officers to round up truants and bring them to centers. The board estimates that on an average school day 150,000 of the city's 1.1 million public school students play hooky. Twenty-seven truancy centers will be opened citywide in the next year, according to officials.

New York City police are investigating whether officer Tammi Terrell killed herself with her police boyfriend's gun, after she was found dead of a gunshot wound to the mouth in the apartment she shared with Officer Andre Williams. Police say there may have been a domestic problem. The lethal round came from Williams's 9mm. service pistol and not Terrell's own gun. Williams said he was in a different room when it happened and was reportedly "devastated" by the tragedy, which occurred shortly after Terrell had sent her two children off to school.

The Buffalo Police Department is renewing its push to launch a pilot program in which one-officer patrol cars would respond to certain "non-stress" calls during daylight hours. Advocates say that the program would save money and that it makes no sense to dispatch two officers to low-crime areas for reports involving certain quality-of-life issues. The Police Benevolent Association, however, has vowed to continue fighting the initiative, saying it would put cops' lives at risk.

Manhattan Supreme Court Justice Marcy Friedman has ordered the reinstatement of a police officer who had been fired for having sex with a prostitute in a district attorney's office. Officer Troy Jackson had pleaded guilty to NYPD administrative charges but argued in a lawsuit that losing his job was too severe a penalty. Friedman agreed. The NYPD plans to appeal.

Accepting the findings of two NYPD review panels, New York City Police

Commissioner Bernard Kerik has decided not to discipline the four officers who killed Amadou Diallo in 1999. The panels concluded that the officers acted in "the honest but mistaken belief that their lives were in imminent danger," when they mistook Diallo's wallet for a gun and opened fire. The four were previously acquitted of murder charges.

PENNSYLVANIA — With the Hispanic population in Bethlehem having grown from 12.6 percent in 1990 to 18 percent in 2000, the city's police department has enlisted the help of high school students to teach its officers Spanish. Although Police Commissioner Francis Donchez had feared initially that officers would not respond to high school students teaching the classes, 18 officers signed up immediately. The course will teach basic Spanish and if successful, will develop into a more comprehensive program.

Southeast



ALABAMA — Gov. Don Siegelman on May 15 signed a law aimed at hiring 200 new state troopers with revenue from higher fees. The law, which is expected to generate about \$6.5 million annually, will double the cost to reinstate a suspended license and raises the fee to as much as \$275 if liquor or drugs were involved.

Former Boaz police Capt. Tim Hooks, who has been indicted for targeting area Hispanics for theft and harassment, is now also suspected of being linked to five Uzi submachine guns missing from the department. Hooks, one of five former officers indicted on civil rights charges, may have had one of the Uzis in his possession, prosecutors were told.

FLORIDA — Despite the arrests of four Jacksonville police officers on a variety of serious charges, a recent poll found that the public is still very supportive of the police force and believes that the trouble caused by a few rogue cops was not widespread among the agency. Two of the four officers are charged with crimes including the robbery and murder of a convenience store owner. Another high-profile case, in which detectives, including Sheriff Nat Glover's son, allegedly beat a confession out of a teen-age murder suspect, is still under investigation.

Acting on the recommendation of a review board that upheld the 1999 police shooting of a 21-year-old robbery suspect, Lakeland police have initiated several changes in officer training. Officers fired 40 bullets at Robert Wesley Laird III, hitting him a dozen times as well as hitting four nearby mobile homes. The Legal Force Review Board recommended that the department engage in more night firearms training and should explore the use of three-dimensional firearms training, or "simunitions" training. Capt. Chip Brown said the new training is some of the best and most realistic the department has ever had.

The Broward County Police Chiefs Association says it will begin DNA testing for all death-row inmates in cases where there is evidence to test, after a

similar test led to the posthumous exonerated of a man wrongly convicted of murder, who died of cancer in prison last year.

Former Highway Patrol trooper Wayne Titus was sentenced May 7 to seven months in county jail for leading the police on a high speed chase and filing a false statement and report. Titus was on duty on July 20 when he did not give his proper location, causing deputies who spotted his patrol car to suspect that it was stolen. When they signaled the suspected stolen car, Titus fled and deputies chased him for 10 miles at speeds nearing 110 mph. When he finally stopped, the deputies found a known prostitute with him.

NORTH CAROLINA — Asheville police officer Slade Stephen McFadden was placed on paid administrative leave May 3 following his arrest on indecent exposure charges.

Wilmington police believe the Officer-in-Residence program is lowering crime rates in targeted neighborhoods. Officers who volunteer to reside in a bad neighborhood for two years get a house to live in rent-free, a take-home car and assistance with purchasing a home. The officers must also agree to track problems in their neighborhoods, participate in neighborhood organizations by initiating crime prevention and help to establish community watch programs.

State Attorney General Roy Cooper told the Mecklenburg County Bar Association's annual Law Day luncheon that police agencies in the state need more in-house computer experts to deal with the increasing number of computer-related crimes. Most local police departments bring computers and equipment to the State Bureau of Investigation for help with computer-related crimes, yet the bureau has only two experts on computer crime. Cooper wants private firms and police departments to form partnerships in order to give officers the proper training.

VIRGINIA — Norfolk K-9 officer John C. Long was found not guilty of misdemeanor charges that he assaulted a motorist who led police on a high-speed chase. A videotape of the Oct. 5, 1999, police pursuit of Victor Moutrie shows officers pulling him out of his truck window and beating him. Long did not appear on the tape as a state trooper had reportedly shut off the in-car video camera before Long arrived. Circuit Judge Charles E. Poston, called Moultrie, who had injured one officer by dragging him several feet, "a confirmed liar."

A three-judge panel of the U.S. Court of Appeals for the Fourth Circuit ruled May 4 that "police do not have a right to arrest citizens for refusing to consent to an illegal search" and are not protected under "qualified immunity." The opinion came in the case of Jonathan Rogers, who sued Roanoke officers M. L. Pendleton and M. G. Vinyard after being arrested for not allowing the officers to search his home. The decision noted that this was probably a case in which police, angered "by a homeowner's correct statement of his legal rights and refusal to permit a search which was clearly illegal absent consent, arrested a homeowner in a fit of pique."

Midwest



ILLINOIS — The City of Chicago has agreed to pay \$18 million to settle a lawsuit brought by the family of LaTanya Haggerty, who was shot to death by police officers after a car chase in 1999. Haggerty was a passenger in the car and was shot to death when an officer mistook the cellular telephone she was holding for a gun.

Trial began May 7 in the federal lawsuit filed by former Cicero police chief David Niebur and former deputy chief Philip Bue, who claim that they were fired for helping the FBI investigate the town's contract with a towing company. The town's attorney, William Kunkle, said that the two were fired not as retaliation but rather because they failed to obey orders.

INDIANA — Gov. Frank O'Bannon on May 2 signed a new curfew law, reversing a federal court ruling that had declared Indiana's curfew law unconstitutional and an infringement on the First Amendment rights of minors. The new law, with some exceptions, allows youths out until 11 p.m. Sunday through Thursday, and 1 a.m. on Friday and Saturday.

Richard Jewell, the man wrongly suspected of the 1996 bombing at the Olympics in Atlanta, will be grand marshal for the annual July Fourth festival in Carmel. Organizers said that he was an ideal pick, given the festival's theme of "Unsung Heroes." Jewell, who was first hailed as a hero for clearing people away from the bomb, was then targeted by the FBI and later cleared.

KENTUCKY — Police in the state set up 1,500 safety checkpoints to ticket people not wearing seat belts. Under state law, failure to wear a seat belt is a secondary offense and a ticket can only be issued if the vehicle is stopped for another reason. Police say the safety checkpoints will meet that requirement.

MICHIGAN — The Pontiac Police Department has created a video chronicling the life and death of officer Jerry Carpenter, who was ambushed by an escaping robbery suspect at the Old Pontiac General Hospital in 1976. The video was made to help raise money for the police memorial fund, which has raised more than \$300,000 in scholarships for high school students and for other charitable work.

Lieut. Gov. Dick Posthumus, in his role as acting governor, signed a bill into law May 2 that eliminates the statute of limitations for first-degree criminal sexual conduct. It also extends from 6 years to 10 years the statute of limitations for other sex crimes, attempted murder and manslaughter.

OHIO — On April 29, Columbus police Lieut. Christopher Claypool, 39, was killed in a hit-and-run accident after he had arrived at the scene of a two-car crash. Police think that a dark green sedan, either a Nissan or Ford Taurus, barreled into the officer. Police are hopeful that a green, metallic paint chip recovered from the scene will lead them

to the driver who killed Claypool.

The state Supreme Court on May 2 unanimously upheld the constitutionality of driver's license checkpoints. The decision came in the case of a 1998 checkpoint stop that cited Magus D. Orr and Andre L. Smith for unlicensed driving. Writing for the court, Justice Francis E. Sweeney said that the current system presents a "minimal intrusion on privacy" when weighed against the state's interest in protecting its citizens from unqualified drivers.

WISCONSIN — Milwaukee police officer Terrence N. Gilbert, an eight-year veteran, was found guilty May 2 of felony misconduct in office and fourth-degree sexual assault, a misdemeanor, for ordering a woman to expose her breasts and offering to suppress a potential marijuana charge. Two other women alleged that Gilbert wanted them to remove their clothing during a traffic stop, but he was acquitted on those charges. He faces up to 2 3/4 years in prison and fines of up to \$20,000.

More than 300 people have signed a petition urging Siren Police Chief Dean Roland to reinstate MaKea, the department's German shepherd. Roland gave the dog a pink slip, claiming that the dog took up an officer's time and it was difficult to have the dog in the squad car when transporting prisoners. Sgt. Karen Felix, the only other officer on the force besides Roland, said that she's had the dog since he was 8 weeks old and helped train him as a police dog. Roland, who is backed by other town officials, is not budging on the issue.



Plains States

IOWA — Cedar Rapids has bought global positioning system mobile units to put in its 70 squad cars. Dispatchers and commanders will be able to locate squad cars instantly and at all times, enabling them to dispatch the closest car to a call.

MISSOURI — Kansas City police motorcycle officer Craig Schultz was killed May 9 while responding to an accident when he apparently lost control of his motorcycle and crashed. There were no indications that another vehicle was involved. Schultz, 36, was the first Kansas City officer killed in over three years, and the city's first motorcycle officer killed since 1990.

Platte County Sheriff Dick Anderson has urged a team of lawyers to lobby lawmakers for an amendment that would exempt state and local police from following state forfeiture laws when working at the Kansas City airport. His amendment would allow officers to follow federal forfeiture laws, which give law enforcement agencies a share of any suspected drug money that they seize. Sheriff's detectives generate more than \$100,000 a year for the department by seizing cash at the airport and receive about 80 percent of that after turning it over to the federal government.

NEBRASKA — The Omaha Latino Peace Officers Association has refiled

claims in federal court against Mayor Hal Daub, but the City Attorney questioned the timing of the move, which came less than a week before a May 15 general election. The claims allege that the mayor threatened retaliation against Latino police if they took their concerns to court. The association also alleges that the city passed over Hispanic officers for promotion, treated some officers more harshly than others because they spoke out about promotions, and caused some officers to feel intimidated. The refiling of the motions, an attorney for the association said, was not political.

For years, people calling the Omaha police telephone-report line about minor crimes would reach a recorded voice and sometimes wait as long as six or seven days for a call back. Now, with money from grants and city funding, the reporting unit has hired more people to answer phones, upgraded its equipment and extended the hours during which the lines are staffed.

SOUTH DAKOTA — In order to see how students and staff at Lead High School would react to a suspicious stranger, an undercover deputy sheriff roamed the halls one day in April armed with fake explosives and an unloaded gun. He was not reported for hours.



Southwest

ARIZONA — In their first beat meeting held entirely in Spanish, Chandler police assured Latino residents that if they report a crime, they will not be asked for documentation. There are many undocumented immigrants living in Chandler who fear deportation and thus don't report crimes in their neighborhoods.

U. S. Border Patrol Agent Marco Antonio Rivera was suspended with pay after shooting a border crosser on March 5. Although the local prosecutor has determined that the agent didn't mean to kill anybody and cleared him of criminal misconduct, Rivera still faces a federal inquiry and a possible civil lawsuit from the victim's family. Rivera claims that the gun went off accidentally, but the victim's brother, who was also there, maintains that the agent acted aggressively and fired for no reason.

Pinal County Deputy Sheriff Jason Lopez, 23, was shot three times at point-blank range and killed while serving a warrant in Arizona City on May 4. The suspect fled to a home, forced his way inside and was holding at least one person hostage. Gunshots were heard outside the home and the suspect was shot in the arm.

COLORADO — Vail Police Officer Ryan Cunningham, 27, jumped from a bridge and fell to his death May 6 as he tried to avoid a tractor-trailer sliding sideways on Interstate 70. Cunningham and another officer had stopped to investigate two weather-related accidents when the rig jackknifed and slid several hundred feet sideways. He yelled to warn the other officer and bystanders before jumping. Police are unsure

whether he knew there was a 60-foot drop where he jumped.

NEW MEXICO — The ACLU has sued Lordsburg school officials over a policy of searching children with drug-sniffing dogs. The searches have been going on in grades 5-12. In one incident, a student was bitten even though he had no illegal substances. The lawsuit seeks nominal damages in order to vindicate the deprivation of the plaintiffs' rights.

TEXAS — Gov. Rick Perry has signed a hate crimes bill aimed at preventing crimes against minorities, homosexuals and others. The state already had a hate crimes bill but some prosecutors called it vague because it didn't list specific categories of people who would be protected.

Hurst police are using a new crime watch program, Mind Your Business, that e-mails area businesses with crime information within minutes. With e-mail, police improve the chance of capturing felons. The program uses fax transmissions for businesses that do not have e-mail. A few residents have also signed up for the service.

The state Senate passed a bill that would allow police to take DNA samples from suspects indicted for rape, child molestation and other sex offenses. Sen. Gonzalo Barrientos (D-Austin), who introduced the bill, said it was intended to stop serial rapists and child molesters while at the same time quickly freeing those wrongfully accused.

A Texas Department of Public Safety Web site that was established in 1999 to give the public access to information about the whereabouts of sex offenders apparently has so many mistakes that there have been incidents of violence in some areas of the state. Offenders have listed abandoned buildings, unknown streets and even a vacant lot as home addresses. In one ZIP code, only 22 of the 132 listed sex offenders were found to be at the addresses posted on the Web. Two years ago, a mentally retarded man was severely beaten by four men who thought he was a sex offender. The man, who was Vietnamese and did not speak fluent English, was mistakenly listed in the DPS sex-offender data base.

Former Houston police officer John Sheldon Williams was sentenced May 4 to six months in jail for using his position at a skating rink to sexually harass young girls. Williams had resigned in January after he agreed to plead guilty to official oppression and admitted threatening to write the girl a ticket without cause and sexually harassing her. The prosecutor said that statements from several other girls complained that Williams had grabbed their buttocks, touched their breasts or bitten them on the back of the neck.

UTAH — The Utah Court of Appeals has ruled that police are not justified in searching a vehicle if the driver is not intoxicated but admits to having had one drink. The decision overturned a lower-court ruling that said the search was justified in the case of Carl Trujillo because the officer did not know whether an odor of alcohol came from the driver or from inside the car. The search turned up \$300 worth of steaks stolen from Trujillo's employer.



Far West

ALASKA — Two Anchorage police officers were taken off patrol May 2 and reassigned to desk jobs after a supervisor determined they used excessive force in arresting a DWI suspect. The internal investigation has been turned over to prosecutors to determine what charges to bring against the officers.

CALIFORNIA — In Torrance, a serial thief was sentenced to 516 years to life in prison under the state's three-strikes law. In imposing sentence, Superior Court Judge Mark Arnold said that "specifically egregious is that the defendant robbed two young boys of their piggy banks."

In Los Angeles, Carlos Garcia told Anthony Lewis that "he did not like black men associating with Hispanic women," before critically wounding him and then hijacking a city bus with five passengers aboard. Garcia led police on a pursuit that reached speeds of 40 to 50 miles per hour before the bus struck a minivan, which then hit a delivery truck, killing the minivan driver. Garcia could be charged with murder, kidnapping and other crimes stemming from the shooting and bus chase that also injured seven people and damaged more than a dozen cars.

On April 29, a terrified Robert Kapalko drove his pickup truck at speeds of up to 95 mph, trying to avoid gunfire from a man who was chasing him and his wife, Stephanie. The other driver, Enrique Fuentes Lopez, experiencing methamphetamine-induced paranoid hallucinations, picked the Kapalkos completely at random, believing they were trying to do him harm. Kapalko, with gunshot wounds on his face and hand, drove his truck to the Border Patrol checkpoint south of Temecula, where a 911 dispatcher had told him officers would be waiting. When they got to the checkpoint, Kapalko stopped his truck and flagged down officers. Lopez's vehicle slammed into the pickup, giving Stephanie Kapalko whiplash. Lopez then turned around and was fleeing the scene when he crashed his car into a concrete divider. He was then taken into custody.

A remorseless Los Angeles gang member, Andre Willis, was sentenced May 4 to 160 years in prison for his role in the killing of an off-duty Los Angeles County sheriff's deputy. The jury had rejected charges that could have led to the death penalty. In September, Kevin Boyce was sentenced to death for pulling the trigger in the 1997 murder of deputy Shayne York. Boyce had York and his fiancée down on the floor of the De'Cut hair salon when Boyce found York's badge in his wallet. Boyce kicked York in the side and called him a "white pig" before shooting him in the back of the head. Willis claimed that he didn't know Boyce was going to kill the deputy.

Orange County Sheriff's deputy George Kluchonic was arrested on suspicion of trying to erase patrol car videotapes, prompting prosecutors to dismiss two

cases in which he was expected to testify. Kluchonic allegedly asked a civilian employee to erase videotapes of his dealings with two suspects, including one he allegedly cursed at and shoved onto the hood of a car. Kluchonic's attorney's blamed the charges on a misunderstanding.

Lieut. Gary Nanson, head of the Special Enforcement Unit for the Los Angeles Police Department's Valley Bureau, has said gang members are trying to keep a lower profile by trading in their bandannas and baggy pants for shirts and slacks. Police suspect that the change has been sparked by a state law that adds extra time to prison sentences for crimes linked to gang membership.

HAWAII — Veteran Honolulu Police Officer Danny Padayao was killed in a hit-and-run accident on April 30. He was setting out flares at the scene of an accident when he was struck by a pickup truck. The driver of the truck, who fled the scene on foot and was later arrested at his home, faces possible charges of driving under the influence of alcohol, negligent homicide, and failure to render aid.

NEVADA — Las Vegas police Sgt. Dan Southwell was relieved of duty May 2 for falsifying reports during an internal investigation of a fellow officer accused of misconduct. Based on Southwell's findings, Officer Richard Splinter was cleared after being accused of brandishing a gun when an umpire ejected him from a baseball game. The case was reopened when the city's Citizen Review Board found that the investigation had been cursory at best.

OREGON — A bill approved by the Oregon State Senate would allow people convicted of aggravated murder, murder or sex crimes to request DNA tests to establish their innocence. Current state law does not allow the use of DNA evidence in post-conviction relief, even if the evidence is exculpatory.

On April 27, Latino activists in Portland marched in protest from the Multnomah County circuit courthouse to City Hall to express their outrage over the shooting death of Jose Santos Victor Mejia Poot by a police officer. Mejia, a mental patient at an area hospital, was shot April 1 after he approached officers brandishing a metal rod. Police Chief Mark Krockner defended police actions but said he would expand officers' training in dealing with the mentally ill.

WASHINGTON — The Seattle Police Department has disbanded a task force charged with finding people who rioted at local Mardi Gras festivities. One person was killed and over 70 were injured when thousands of people crammed Pioneer Square. The task force made 41 arrests and identified another 30 suspects who remain at large.

King County Superior Court Judge Jim Doerty has awarded attorneys' fees to a man who posts information about deputies on a web site. The county sued William Sheehan for trying to obtain the information after the sheriff's office declined. A Superior Court judge had ordered the sheriff's department to disclose last names and ranks of all officers but the department has not yet complied as the county is appealing that ruling. [See LEN, April 15, 2001.]

Empty saddle

A riderless horse with empty boots in the stirrups was led through the streets of Jackson, Wyo., this month as hundreds looked on in tribute to Dave Cameron, the city's 55-year-old police chief, who was killed on April 28 in a farm accident.

Cameron, who had spent eight years as chief of police in Moscow, Idaho, before taking command of the Jackson agency in 1992, was originally from Arvada, Colo. He spent 13 years on his hometown force, the last year as a lieutenant in charge of research and development. He held a bachelor's degree in criminal justice and had done graduate work in criminal justice administration. A graduate of the FBI National Academy, Cameron served briefly as interim chief in Fort Lupton, Colo., at the request of the Department of Justice and the Fort Lupton City Council.

In a Law Enforcement News interview conducted in 1985, he spoke of the pleasures of policing a small jurisdiction. At the time, he was speaking of Moscow, home of the University of Idaho and more than twice the size of Jackson, a skiing and vacation mecca in the Grand Teton range. Moscow, Cameron told LEN, had worn away some of the "rough edges" he had acquired in Arvada.

"I think my experience with Arvada has given me the confidence that some of the things that were peculiar to a larger department can work in smaller departments with certain modifications," he said. "I brought to Moscow a willingness to participate fully in a wide variety of community concerns and issues. That has brought the police department into a position of possessing a great deal more information about what this community is all about, possessing a better method, I suppose, of gauging how police officers are being asked to perform their jobs."

Cameron had been back-filling a water line on his property when the tractor he was riding tipped over on a steep hill, trapping him. His funeral, which was attended by a throng of police officers from several states, ended with a 21-gun salute and a request from a squad radio car: "Unit 601, status check."

"He was happiest when he was riding on his horse and being in the Town Square, touching and talking to the people he cared about most," said the Rev. Paul Hayden.

Peggy Parker will serve as Jackson's interim police chief.



Jackson, Wyo., Police Chief Dave Cameron in a setting he ranked among his happiest: downtown with his horse, in one-on-one contact with residents. He died April 28 at age 55. (Courtesy: Jackson P.D.)

Emerson of Chichester and Rosemary Gossfeld in Errol.

After graduating from high school in Reading, Mass., Deurell joined the Air Force, training as a law enforcement canine officer. She served for two years and then spent another two in the Reserve working with an engineering unit.

Deurell spent five years as a patrol officer with the State Police before being assigned to a special investigations unit that helped local communities comply with New Hampshire's Megan's Law. For the two years prior to her appointment, she worked as a motor vehicle inspector with the Department of Safety. She learned about the Canterbury position from her first husband, former Loudon Deputy Chief Bob Krieger.

Deurell has the right mix of supervisory and training experience along with the communications skills the town was looking for, said Michael Capone, chairman of the board of selectmen. By next year, she will have completed a degree in English at the University of New Hampshire.

"When you think of an old New Hampshire town, you think of Canterbury," Deurell told The Manchester Union Leader. "I feel lucky to be here. I get to do what I love to do. This is the opportunity of a lifetime."

Deurell, who will command a department of part-time officers, said she was eager to meet residents and begin building a rapport with the community. "That's the best part of the job, dealing with people."



Lee Dean
A new calling

ber of parolees allowed to reside in San Bernardino.

"There's no way in the world we can honestly say to the community, 'We will have this number and no more,'" Dean said of the 700-parolee limit proposed last November. "It's a little like water: You push it, and it comes out someplace else. It's a fluid population."

The issue had come to the forefront in October when state officials acknowledged that the county and city had more than its share of parolees, a population responsible for 40 percent of crime statewide, said Sgt. Jeff Breiten.

At a City Council meeting in April, Penman shook Dean's hand and publicly apologized to the chief. The action quelled the outcry of police who had packed the City Hall auditorium, but officials seemed to be sending mixed messages. While stating that neither he nor Mayor Judith Valles had sought Dean's resignation, Penman said he had submitted a closed-session agenda item for the council meeting, purportedly at the request of more than one council member, to discuss the discipline, dismissal or release of Dean. No council members, however, have publicly expressed disappointment with Dean, who has been chief since 1996.

Moreover, the council approved a one-year contract extension with Dean in January, but later hired a recruiter to interview residents, officials and police for a nationwide search of qualified candidates for the job.

According to Valles, Penman had

mistakenly believed that it was Dean who had lifted the cap on parolees. "That is not true," she told The Riverside Press-Enterprise.

Steve Filson, president of the San Bernardino Police Officers Association, said any concerns the City Attorney may have about Dean are completely unfounded. Last month, the union voted no confidence in Penman and charged that he would be overstepping his authority if he tried to dismiss Dean.

"The chief has done nothing wrong," he said. "This is just another example of 'Don't buck Jim Penman or you'll suffer his wrath.'"

Dean, 50, spent 17 years with the Sacramento County Sheriff's Department before serving as chief of police in Vacaville for four years. He was confirmed as chief in San Bernardino in December 1995 and assumed command the following month.

LA law, part 2

Described by city officials as a positive force in the community and as an icon, San Fernando, Calif., Police Chief Dominick Rivetti retired this month to take a job with the district attorney's office in Los Angeles.

The 52-year-old Rivetti began his career with the San Fernando force as a patrolman in 1970 and was named chief in 1986. City Manager John Ornelas said Rivetti's community policing program deserves credit for effecting a 50-percent decline in violent crime documented over the past five years by the FBI and the California Crime Index.

Rivetti believes the community of 25,000 should get the credit for the decrease. "San Fernando has a lot going for it," he said. "We're not a rich community. Basically, we're a blue-collar community without a lot of money, but [it's improved] through its leadership. It's just a well-managed town."

In his new job, Rivetti will be working as District Attorney Steve Cooley's liaison to area law enforcement agencies. Ornelas said the city will begin an immediate search for a new chief, which he estimated would take three to four months. During that time, Ornelas said, officials will seek input from Rivetti.

"He's an icon in the community," he said. "It's a big loss for us."

Heroes' welcome

As a New York City police officer who patrolled neighborhoods in the Bronx and Upper Manhattan that were terrorized by drug dealers, he was known as the "Little Powerhouse." On Oct. 18, 1988, Officer Michael Buczek and his partner, Joseph Barbato, confronted two suspicious males loitering in the lobby of a building where they had just finished responding to a call. After attempting to identify the suspects, one drew a firearm and fatally shot Buczek in the chest.

Buczek's story is just one of those that were recounted at the Federal Law Enforcement Foundation's second annual Heroes' Night, which honors fallen officers.

Other honorees at the May 10 event included Court Security Officer Harry Belluomini, who was killed in 1992 trying to stop the escape of a convicted bank robber being transported from the cellblock to the U.S. Marshal's detention parking area.

The prisoner was former Chicago police officer Jeffery Erickson, who committed numerous violent bank robberies around the area. While being moved, he escaped his restraints and overpowered one deputy marshal, grabbing his .357 magnum and fatally wounding another federal officer. Belluomini, responding to the gunfire, received a fatal wound, but continued to fire, striking Erickson once in the back as he ran toward the ramp exiting the garage. At the same time, Judge James Alesia was entering the garage with his children in the car. Realizing he was mortally injured, Erickson shot himself in the head.

"If not for the heroic actions taken by wounded CSO Belluomini, Erickson would have encountered Judge [James] Alesia and his sons which certainly would have endangered their lives and the lives of others in and around the Dirksen Federal building," said Marshal Daniel C. Byrne of the Eastern District of New York. "It has been apparent to all involved in the tragic event that CSO Belluomini's heroic actions unilaterally contributed, without additional loss of life, to the conclusion of this attempted escape."

FBI Special Agent Edwin R. Woodruffe was also honored by the foundation. Woodruffe was shot and killed on Jan. 8, 1969, by Billie Austin Bryant, an escaped federal prisoner who was hiding in an Washington, D.C., apartment building. Bryant, convicted for robbery and assault, shot both Woodruffe and Special Agent Anthony Palmisano in the hallway as they entered the building.

Museum pieces

The National Association of Police Organizations this month honored two Republican lawmakers for introducing and working to secure passage of legislation to establish a National Law Enforcement Museum in Washington, D.C.

Senator Ben Nighthorse Campbell and Representative Joel Hefley, both of Colorado, were the recipients of the Congressional Awards that were presented May 10 at NAPO's 2001 Legal Rights and Legislative Seminar. Citing the legislators' "commitment to America's law enforcement officers and their families," NAPO executive director Robert T. Scully said, "The National Law Enforcement Museum they have helped to establish will recognize these officers' incredible record of service and sacrifice and will foster a better understanding and appreciation of the law enforcement mission."

The museum will not only highlight the policing profession, but will contain a research repository to serve as a clearinghouse of information on law enforcement safety, said NAPO. The legislation introduced by Campbell and Hefley was passed by Congress and signed into law on Nov. 8, 2000.

Campbell was honored as the Senator of the Year and Hefley as the Representative of the Year.

Her lucky number

Thirteen may be an unlucky number for some, but apparently not for Gwen Deurell, the new chief of police in Canterbury, N.H., a 13-year law enforcement veteran who was chosen by town officials in May from a field of 13 applicants.

She is the second woman to become a full-time police chief in the state. The first, Pauline Field of the Lyme Police Department, assumed command last August. There are also two female part-time chiefs in New Hampshire: Ann

LA law, part 1

San Bernardino, Calif., Police Chief Lee Dean will be putting an end to a 30-year career in law enforcement in September when he leaves the agency to practice law in Los Angeles.

"My intent is to leave with my reputation intact," said Dean, who in recent months has run afoul of City Attorney Jim Penman over the department's handling of parolee matters. Law enforcement and state correctional authorities in March had retreated from a previously announced cap on the num-

Community policing 'models' strut their stuff on DoJ's runway

They came, they saw, they were conquered.

Justice Department officials who visited Rock Hill, S.C., in March were left with such a strong impression that they picked the city's community policing program as one of nine model approaches to applying the concept.

The Rock Hill Police Department, which serves a city of more than 41,000 people, was a 1998 recipient of a \$100,000 grant from DoJ's Office of Community Oriented Policing Services. Since then, the department has launched a number of initiatives that made it a showcase site for the program. Chief among these is its neighborhood empowerment program, in which the city's 50 or so neighborhoods are assigned an "ambassador" who troubleshoots a wide variety of community problems.

"We placed a high value in working with our neighborhoods and with our neighborhood associations," said Chief Dave Fortson. The ambassadors, all volunteers, are predominantly sworn or civilian employees of the department, he told Law Enforcement News.

"If it's a police problem, they address that, if it's a trash problem, they address that, if it's public works, they address that. I think that's one of the things that's made us a strong contender," said Fortson. "We work with the neighborhoods and truly get them involved in solving problems. I think that's the essence of community policing."

While the COPS grant did not fund the neighborhood empowerment program, said Fortson, it allowed the department to provide some training for

officers in leadership skills and communications. The money also paid for a class in basic Spanish, in recognition of the city's growing Hispanic population. "The advancing community policing grant paid for a lot of those things," he told LEN.

Several times a year, the agency holds training sessions for volunteers in its empowerment program and community organizations, said Fortson. There is a neighborhood forum that is held annually, as is range day, when the training focuses on team work.

In addition, the department runs six six-week summer camps for children. Paid for with private donations, the camps are staffed by police officers. "That's been in existence for 52 years," he said.

There is no question that these programs, particularly neighborhood empowerment, are mutually beneficial, Fortson told LEN.

"For us to do our job, the neighborhood has to place a lot of trust in us," he said. "If they don't trust us, they're not going to talk with us, if they're not talking to us, we're not going to be able to help them. We've certainly tried very diligently to establish trust with the neighborhoods. I think we've done that," said Fortson.

The other model community-policing agencies singled out by the Justice Department were the Los Angeles County Sheriff's Office, and the police departments in Boston; San Jose; Longmont, Colo.; Portland, Ore.; Windsor, Conn.; Charlotte-Mecklenburg County, N.C., and Savannah, Ga.

Freeh at last FBI chief to end bumpy 8-year tenure

After an eight-year tenure bracketed by the aftermath of the standoff at Waco in 1993 and the disclosure last month that the FBI failed to turn over thousands of documents to the defense team for convicted Oklahoma City bomber Timothy McVeigh, the bureau's Director, Louis J. Freeh, announced in May that he would be resigning.

Freeh, 51, a former agent, prosecutor and federal judge, had told aides that he planned to step down after the elections in November but acceded to President Bush's request that he stay through the transition. He surprised White House officials in May when he announced he would be resigning next month, two years short of completing his statutory 10-year term.

While his legacy includes a string of incidents that shook public confidence in the bureau, including revelations about shoddy work by the agency's vaunted crime lab and its rush to judgment in the investigation of the Atlanta Olympic bombing, Freeh has also won praise for the bureau's capture of the Unabomber, Theodore J. Kaczynski, and the standoff between the FBI and the Freemen white separatist group in Montana, which ended peacefully.

Under his leadership, the FBI has substantially expanded its reach overseas. Its global presence doubled to 44 foreign locations and the bureau has trained more than

50,000 foreign police officers both at the FBI Academy in Quantico, Va., and at its International Law Enforcement Academy in Hungary, a joint initiative with John Jay College of Criminal Justice.

Freeh has also overseen the increase of the agency's budget by more than 58 percent during his eight years in office. Since 1993, the FBI's funding has grown to \$3.44 billion which, he said in an official statement, has allowed it to remain on the cutting edge of investigations. At the same time, Freeh added, the bureau has benefited from laws that strengthened its crime-fighting abilities, including the Communications Assistance in Law Enforcement Act and the Economic Espionage Act.

"In response to dramatic changes relating to crime, terrorism and national security, we have championed the cause of cooperative law enforcement action at all levels," Freeh said. "By multiplying our combined resources and thereby avoiding dysfunctional 'turf wars,' we have better fulfilled our mandate to protect the American people and made better use of the resources they have given us."

Appointed by President Clinton to replace William S. Sessions, Freeh became a vocal opponent of the administration by supporting independent counsel inquiries into 1996 fundraising activities, cabinet officers and the President's own involvement in Whitewater. Said one veteran aide to Clinton, "He would regularly say that naming Freeh was

one of the biggest mistakes that he had made."

During that time, the FBI was involved in embarrassing incidents of its own. In February, Robert P. Hanssen, a senior agent, was arrested on charges that he spied for Moscow. Inaction by the bureau, which has been described by some officials as a serious managerial lapse, allowed Hanssen to continue his activities undetected for 15 years.

Shortly after Freeh announced his resignation on May 2 came the revelation that 3,135 documents were never given to the legal team defending McVeigh, the Oklahoma City bomber. McVeigh was scheduled to die this month but his execution was delayed until June 11 while attorneys examine the newly uncovered materials, which include interview notes and physical evidence such as photographs, letters and tapes.

Many of the documents were generated from interviews on the day of the explosion and the following day, when field officers were pursuing leads on a possible "John Doe No. 2" suspect. Since 1995, the FBI has made five requests to field offices that all materials be sent to the Oklahoma City office for archiving. When the materials were checked against 26 data bases of investigative files, they were found to be new. The documents came from 46 field offices.

Sounds of silence:

PD hears deaf residents' concerns

The Portland, Maine, Police Department this month acted on concerns among members of the city's deaf community by bringing in instructors from Gallaudet University, the nation's pre-eminent college for the hearing-impaired, to explore with 160 officers the experience of not being able to hear.

A new component of the agency's annual training regimen, the deaf-culture awareness training included an "Unfair Hearing Test," during which officers listened to a tape on which someone was speaking, but they could not make out the words. Also, they were taught simple sign language to use in

emergency situations and other alternatives to voice communication.

The program coincided with the fatal shooting in March of a deaf man who had pointed a rifle at Scarborough police. "The timing was interesting because the first thing everybody said was that it was because of the shooting,"

said Portland Police Chief Michael Chitwood. "I said no, we had set this up before the incident occurred."

In Portland, he noted, the deaf are a highly visible population. "We felt we were long overdue to make at least an entry level program that would show the community that we care and try to set up some kind of ongoing dialog," Chitwood told Law Enforcement News. There have been incidents in the past, he said, when that population felt as though police did not respond appropriately or quickly enough.

The department's training initiative has won praises from Jonathan A. Connick, executive director of the Maine Center on Deafness. "It's absolutely needed in order to provide better understanding and to reduce the risk of misunderstanding," he told The Portland Press Herald.

Kathy Vesey, director of Gallaudet University's northeast regional campus, leads the training. Police, she said, should remember that if a person is not responding to their calls, there is a strong possibility that they could be dealing with someone who cannot hear them. This could have serious consequences in an emergency situation.

The issue was brought to the forefront several months ago when Scarborough officers tried to convince James Levier to put down his rifle while they figured out how to bring in an interpreter without putting that person in danger.

Officer lets her hands do the talking

DARE program reaches the hearing-impaired

City administrators in Council Bluffs, Iowa, may have eliminated the DARE program in district schools, but Police Officer Teena Schultz is confident that the curriculum she teaches in sign language to 13 hearing-impaired students at the Iowa School for the Deaf will remain intact.

In the past the school has had a DARE officer who used an interpreter. Schultz is the first with the ability to sign — and apparently it makes all the difference.

"She's showing us how to stay healthy, how to avoid drugs," said Heather Nurse, 12. "You get direct communication with her."

Schultz's popularity is also evident from the size of her class. Instead of five students, which is a typical class size at the school,

Schultz's weekly class numbers 13. "It's just been great," Jane Gradoville, a guidance counselor, told The Omaha World-Herald. "She's just developed a good rapport with those kids."

The 27-year-old officer has been with the force for 3½ years, joining after attending college at the University of Nebraska at Omaha. Schultz grew up with a deaf parent and has been signing since she learned how to speak. Many graduates of the School for the Deaf, which include her mother, settled in Council Bluffs. Schultz grew up using both forms of communication.

It may be arguable who gets more out of the program, Schultz or the students. Working a 3 p.m. to 11 p.m. shift can be stressful, she told The World-Herald. "The juveniles I'm

dealing with are troubled kids for the most part, wreaking havoc," said Schultz. "It's nice to be here with kids who appreciate you."

Many of the children, she said, have never met a police officer before. "The first time I came here, a couple of them came up and asked me who was going to jail," said Schultz, who also defended the DARE program. In May, the Council Bluffs School District announced its replacement with another program.

"It's a worthwhile curriculum," she said. "Sometimes people from the outside, who aren't exposed to it, don't understand what it does. We focus on more than drug and alcohol abuse. We teach kids how to handle stress, to avoid violent behavior and other lessons."

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High Court split on arrest powers

Two decisions in April, one involving police authority to make full custodial arrests for minor infractions and the other restricting criminals' right to challenge past convictions, have revealed a deeply divided U.S. Supreme Court.

In *Atwater v. City of Lago Vista*, the Justices ruled 5-to-4 that although a Texas woman suffered "gratuitous humiliation" and "pointless indignity," patrol officers did not violate her rights under the Fourth Amendment when they held her in a jail cell for not wearing a seat belt.

Writing for the majority, Justice David H. Souter was joined by the Court's four most conservative justices, Chief Justice William H. Rehnquist, and Justices Antonin Scalia, Clarence Thomas and Anthony M. Kennedy. Equally unusual was a dissent in which Justice Sandra Day O'Connor was joined by John Paul Stevens, Ruth Bader Ginsburg and Stephen G. Breyer.

The decision rejected a lawsuit brought against the city of Lago Vista, Texas, by Gail Atwater. In 1997, Atwater was bringing her two young children home from soccer practice in her pickup truck, driving about 15 miles an hour down local streets to her home. None were wearing seat belts. The officer who stopped Atwater ordered her out of the vehicle, refusing to let her take her crying children to a neighbor's home. The officer said he would take them into custody as well, but a neighbor came along and took them.

A search of the vehicle found toys, a bag of charcoal, an Igloo cooler and two tricycles. Atwater was handcuffed and taken into custody. She was released when she posted \$310 bond. The maximum fine for the offense was \$50 under state law. When Atwater was released from jail, she found her truck had been towed.

The suit brought by Atwater and her husband against Lago Vista, its police chief and the arresting officer was dismissed by the federal district court in Austin, but reinstated by a three-judge panel of the U.S. Court of Appeals for the Fifth Circuit in New Orleans. The full appeals court, however, vacated that ruling by a vote of 11-to-5.

In her dissent, O'Connor warned that allowing police that level of discretion carried the potential for abuse. The recent debate on racial profiling, she said, demonstrated what could happen when a minor traffic infraction is used to justify stopping and harassing an individual. The reference appears in stark contrast, however, to the Court's unanimous decision in *Whren v. United States*, which was handed down just five years ago, prior to the explosion of public discussion and official concern over the targeting of minority drivers. In that case, the Justices ruled that a police officer's subjective motive for stopping someone was irrelevant as long as there was an objective reason for doing so.

O'Connor had indicated that she saw little difficulty in drafting a law that would make custodial arrests for minor offenses the exception rather than the rule.

Souter, however, pressed Atwater's attorney for information about how widespread a problem the Court was confronting. Souter said he found "no evidence of widespread abuse of minor-offense arrest authority." The good sense and political accountability of local officials should take care of any problem, he said.

It remains to be seen how the ruling might affect law enforcement agencies, particularly those, like the New York City Police Department, which have focused intensely on quality-of-life crimes as a cornerstone of a crime reduction strategy.

"We have to review it, then we'll go from there," NYPD Lieut. Elias Nikas, a police spokesman, told *The New York Times*. "The New York City Police Department will continue to adhere to department policies, and our legal bureau will review the Supreme Court decision."

In a pair of cases from California and Pennsylvania, the Court was again split 5-to-4 in its decision to limit repeat offenders from challenging the validity of prior convictions.

Writing for the majority in *Daniels v. United States*, O'Connor noted: "A defendant generally has ample opportunity to obtain constitutional review of a state conviction. But once the door to such a review has been closed...the conviction becomes final and the defendant is not entitled to another bite at the apple simply because that conviction is later used to enhance another sentence."

The defendant, Earthy Daniels, had been convicted twice of burglary and twice of robbery in California state courts between 1977 and 1981. Prosecutors sought sentencing under the Armed Career Criminal Act when in 1994 when Daniels was convicted on charges of being a felon in possession of a firearm. The sentence, which was 15 years, would have been 10 had he not been sentenced under the career-offender law.

The Court of Appeals for the Ninth Circuit rejected Daniels's argument that his prior state convictions be thrown out because they were based on guilty pleas which were not made knowingly and voluntarily. The Supreme Court upheld the decision.

In dissent, Souter questioned why Daniels may not challenge the finality of a conviction when the government can reach back and impose an extended sentence based on a law which was unheard of at the time of the earlier convictions. His opinion was joined by Stevens, Ginsburg and Breyer.

A second ruling by the Court on April 25 involved a defendant, Edward R. Cross Jr., who was convicted of aggravated assault in Lackawanna County, Pa., and was given an enhanced sentence based on prior convictions.

Cops living on state lands: a good idea that falls short?

A program that allows deputies in Pasco County, Fla., to live on state preserve land and on school property has not been altogether successful, school officials say.

"It started out as a good idea," school Superintendent John Long told *The Tampa Tribune*. "But because of a few problems that began cropping up, it hasn't worked out as well in some as we had hoped."

For the past decade, deputies have been allowed to move their mobile homes to the Jay B. Starkey Wilderness Park or Anclote Key State Preserve. They live rent-free and have most of their utilities paid for in exchange for monitoring the area and keeping a patrol car parked out front to scare off would-be vandals. Due to liability concerns, they are not asked to perform any duties in an official law enforcement capacity.

The program costs taxpayers \$42,800 for the electrical, water and sewage usage of the 18 deputies who live on school property, and the eight

Some officials in Pasco County, Fla., say the idea of subsidized mobile homes for deputies may be more trouble than it's worth.

living in county parks or recreational complexes, according to county officials.

Negotiations are said to be underway for another deputy to be moved onto property near Safety Town, according to Ed Poulan, a member of the Concourse Council. With the opening of the Suncoast Parkway in February, the council had decided to ask a deputy to move in, he told *The Tribune*.

"The Concourse is going to be used by more people, particularly those parking there to use the bike path on the parkway," said Poulan. "With more

people, you have more opportunity for vandalism."

But in some cases, it is the deputies who have let trash pile up, said Long, who is phasing out the school district's involvement with the program.

Eddie Flicker, who oversees the program for the school district, said that in one case a deputy went away for the weekend and left his refrigerator door open. The electric bill for that month came to \$450, leading officials to put a cap of \$100 on future bills. Deputies would have to pay anything over that amount, he said.

Another deputy was fired when it was discovered that he was subleasing his mobile home to someone who was not a law enforcement officer. Yet a new deputy was recently given permission to move into a mobile home on the property.

"We don't prohibit principals from having a deputy live at their school if they ask for it," Flicker told *The Tribune*. "But we don't force the issue either."

Thumbs up in Tennessee for bill to 'print pawn customers

A bill that would require Tennessee's pawnshops to thumbprint customers was approved this month by the state's House Judiciary Committee, to the delight of municipal law enforcement agencies, which had been pushing for the legislation for the past several years.

There was a "collective shout of joy," Knoxville Police Chief Phil Keith said when the bill was resurrected in May. An earlier vote by the committee would have sidetracked the proposal for a year-long study. It reversed itself, however, at the urging of House Speaker Jimmy Naishe (D.-Covington).

Under the proposal, police could seek a court order for the thumbprints if they discover that merchandise is stolen. The bill was amended to remove an exemption that would have limited

thumbprinting to transactions of \$25 or more. Two other amendments were added, one prohibiting thumbprints from being used for racial profiling, and the other requiring that notices about the practice be posted in pawnshops.

A Senate version will be reviewed later in the month, according to *The Knoxville News-Sentinel*.

"This is one of the most progressive crime bills to be considered," Keith told *The News-Sentinel*. "This bill gives law enforcement the right to get property back when crimes are committed."

According to the Tennessee Bureau of Investigation, up to \$1.4 million in stolen property, including guns, is recovered in pawnshops each year.

The proposed new requirement would be in addition to a state law that requires pawnshops to provide police

with a record of each transaction within 48 hours. Customers must present ID and sign a statement that the goods were not stolen. The record must include a description of the item, its value, serial number and the amount of cash it garnered and when the loan is due. The customer's sex, height, weight, date of birth and address are also documented.

For the past two years, the pawnshop industry has vigorously opposed the bill, as has the American Civil Liberties Union, which criticized it as an invasion of personal privacy.

"Our customers are our friends," Bill White, a pawnshop owner from Pulaski, told *The Associated Press*. "We play ball with them. We go to church with them. We deal with them every day. They're not criminals and they shouldn't be treated like criminals. If you keep making it more difficult, they'll quit coming in."

Lobbyists for the industry were able to stall the bill for two years. Last year, the Senate Commerce Committee sent the legislation to a study committee, which then never met. One of the complaints by pawnbrokers is that they are not trained to take thumbprints. Said Keith: "The ink pads we would provide to pawnshops are resistant to smudges."

Thumbprinting pawnshop customers is not unheard of, with seven states, including Florida and Georgia, already requiring it. In Memphis, pawnshop owners are already required to thumbprint customers under a 34-year-old Shelby County ordinance.

The practice has received conflicting opinions from the attorney general as to whether the city is violating state law, but nearly one-quarter of the burglaries solved by Memphis police last year involved thumbprints, said Maj. Jim Tusant.

And not all pawnshop owners oppose the measure. "It helps a lot," said Jason Austin, manager of Dan's Pawns in Panama City, Fla. "It keeps a lot of stolen property out of here. They can't steal somebody's ID and use it because there's no mistaking their thumbprint as an ID."

Bonuses seek to turn cops into recruiters

In an effort to add at least 20 officers to the city's police department, Delray Beach, Fla., commissioners have unanimously approved a plan to give cash bonuses and additional vacation time to any member of the force who recruits a viable candidate.

The agency, with an authorized strength of 156 officers, currently has a vacancy rate of nearly 12 percent, said City Manager David Harden. In April, city commissioners agreed to pay \$300 at the time of hiring to any employee who recruits a new officer, and then another \$700 when the recruit completes training. Officers will also get one additional personal day a year for five years.

Said Harden: "The police department initially felt that their officers, through their contacts, were the best recruiters. They talked to a lot of other officers on the street who might be interested in making the change."

Last November, city officials also approved a financial incentive package,

estimated to cost \$334,448 annually, aimed at enticing officers to stay with the department. The recruitment bonus was approved one day after officials of the city's police union asked a member of the Palm Beach County sheriff's office to talk about the benefits of merging the police force with the larger sheriff's department.

Harden told *Law Enforcement News* that the city had "no interest in moving in that direction," but conceded that the city has been losing officers to the sheriff's department, where salaries have progressed more rapidly.

Another problem for the Delray Beach agency, Harden told LEN, is its reputation as a fertile recruiting ground for other agencies. "There are a lot of cities in our county that don't require a [college] degree — we do. Between the fact that we have degreed officers and excellent training, we have been a good recruiting ground. Of the officers we've lost, the majority have gone over to the sheriff's department."

Pitt review panel fails to measure up

The Pittsburgh Police Department is in full compliance with a federal consent decree, but the city agency charged with probing citizen complaints against officers is not, according to the findings of a court-appointed auditor.

A quarterly review of the agency, the Office of Municipal Investigation, found that it took an average of 500 days to complete a police investigation, compared to the 290 days recorded in the previous audit. Also, the office's error rate on closed cases was 12 percent. The consent decree requires that it be no more than 5 percent.

"We are aware the Office of Municipal Investigation is out of compliance on two points," Justice Department spokeswoman Christine Romano told The Associated Press. "We are taking a look at it and are talking to the city about it." The police department, Romano added, has met all the requirements of the consent agreement this quarter.

Roy Dean, the director of the Office of Municipal Investigations, told Law Enforcement News that auditor James Ginger found fault with two out of the 17 cases he reviewed. What

skewed the average time it took to close a case, said Dean, was a backlog that developed while the office built up its staffing level to 13 investigators.

"Now that we're there, we're taking care of all the cases so he [Ginger] averages out from the beginning of the intake of a case to the completion of a case," said Dean. "If you have new cases coming in that we're closing out, and we have old cases, our average is going to be in between. If we took in a newer case and we completed it, and he just audited the newer cases that we brought in, that would be less time."

The city of Pittsburgh entered into an agreement with the Justice Department in 1997, the first major municipality to do so since a 1994 omnibus crime act gave DoJ the authority to sue over civil-rights abuses perpetrated by police. In the case of Pittsburgh, federal prosecutors found a pattern of false arrests, improper searches and excessive force.

Among the requirements of the 40-page decree is that all civilian complaints, even those received anonymously by telephone or fax, be investigated by the OMI. The police department is required to monitor any officer who receives three similar complaints within a two-year period and five complaints overall.

According to the audit, two of the cases examined had to be closed because of errors brought on by the long delays. In one, the OMI lost track of a witness and in the other, investigators said they could not contact a witness,

although the auditor said the witnesses' statements were already in the case file.

If the OMI is in compliance next quarter, the terms of the decree could be lifted by July 2003.

"We closed over 200 cases in the last three quarters," said Dean. "With that many cases, there are bound to be some where it is difficult to meet all the requirements of the consent decree. But we do try." Dean told LEN he believed the office was doing "a heck of a job." It had been in compliance, he said, for 13 quarters going back to the first quarter of the decree.

"If I'm submitting 50 cases a quarter and I have problems with two, I say somewhere there is probably going to be some artistic differences about how we do the work," Dean said. "But he [Ginger] gets to make the call because he's the auditor. The two cases he found disfavor with could have been very well done cases, but just something we disagreed on."

Aggressive fed prosecutor is LASO's new watchdog

Los Angeles County officials this month chose Michael Gennaco, a federal prosecutor, to head a newly formed board which will review internal investigations conducted by the Sheriff's Department, as well as the agency's practices and allegations of misconduct.

The new Office of Independent Review, budgeted for \$1.5 million dollar a year, is part of Sheriff Lee Baca's long-term plan for overhauling his agency in the wake of the Los Angeles Police Department's Rampart scandal.

Gennaco, 47, will be chief lawyer for the board and will supervise five attorneys. As chief of the civil rights unit for the U.S. Attorney's Office in Los Angeles, a unit created in 1999, he launched an investigation into the patterns and practices of the Riverside Police Department following the police shooting of Tyisha Miller in 1998.

The civil rights unit is now investigating whether a Moreno Valley police officer violated the rights of Dante

Meniefield, 23, who was unarmed and had his hands in the air when he was shot once in the head by Officer Robert Marks.

Gennaco was selected from a field of 134 candidates for the \$200,000-a-year job. He recently signed a three-year contract.

County Supervisor Zev Yaroslavsky said he supported Baca's plan and called it "very bold and courageous move on the part of the sheriff." Baca, he added, is the "first law enforcement official of a major law enforcement agency who has said he's willing to have his disciplinary system opened up to independent scrutiny — we are not afraid and we are not ashamed," Yaroslavsky told The Los Angeles Daily News.

Los Angeles District Attorney Steve Cooley and Baca had been working since February on a plan to create the review board. Although Cooley supported the idea of a panel, he had voiced

concern that a team of civil rights attorneys could interfere with his office's work on criminal investigations.

Clear responsibilities and duties are being laid out between his office and the sheriff, said Cooley. There is assurance, he told The Daily News, of a "clear, bright line" that ensures the constitutional powers of the district attorney. "We are close to resolving all concerns," the prosecutor said.

Among Gennaco's other cases was the 1999 prosecution of a Corona man who was sentenced to two years in prison for sending racially motivated hate-mail to Hispanics. And in 1996, he headed the investigation into two Riverside County sheriff's deputies who had been videotaped by a news crew beating suspected undocumented aliens. The deputies, Kurtis Franklin and Tracy Watson, were not charged, however, after a two-year investigation which found the evidence insufficient to go forward.

Judge's order can't stop sex-offender notification

It would take more than a judge's order to stop police in Maitland, Fla., from notifying residents about the juvenile sex offender who was about to move into the community.

Circuit Judge Cynthia McKinnon had barred the state Department of Juvenile Justice from spreading the word about the 18-year-old offender, who was released late last year. But that ruling didn't cover Maitland or its police, so Chief Ed Doyle had his officers begin distributing fliers that included the offender's name, intended address and a description of the crimes that led to a term in a rehabilitation center.

Doyle said it was the horrendous nature of the offenses that led him to violate the spirit of McKinnon's ruling. The crimes, which occurred in Winter Park in 1997, led to multiple charges of rape and incidents of lewd and lascivious conduct and false imprisonment against victims between the ages of 4- and 8-years-old.

"He did that when he was 15 and was given treatment for a while," Doyle told Law Enforcement News. "Then when he was 17 he was released into our community to another address," he said. "The victims' parents have always been involved in following up on his treatment, because he's not of the type who is subject to being rehabilitated.

Given the opportunity, there is no question he would probably offend again."

Doyle said medical experts bolster his view, comparing the youth to an alcoholic or diabetic in having a disease that can be treated long-term but not cured. Just as an alcoholic should not be put back in a bar, or a diabetic fed improperly, he said, neither should this juvenile sex offender be in a gated community where 77 children reside.

The offender's family had bought a house in Lake Colony Estates, a development of 49 homes. Last October, the department had "gotten into some hot water," said Doyle, when it notified residents in a large condominium about the presence of the teenager.

Under state law, juvenile sex offenders are exempt from community notification requirements. McKinnon said in her ruling that if lawmakers wanted them to be included, they would have to specifically state so, as they have with adult offenders. The state juvenile justice department, in an unusual move, had asked McKinnon to make an exception in this case. The agency's in-



Ed Doyle
Spreading the word

volvement, noted Doyle, is telling. "That's how serious they thought it was," he said.

Doyle told LEN that the intent of McKinnon's "broad-band" ruling was to cover law enforcement as well as the juvenile justice agency. "That's where we got into difficulty," he said. The chief said that if the order were aimed directly at the

Maitland police, the notification would still have been made somehow, but it "wouldn't have been like thumbing our nose at the judge, because it's not what we're about."

There is said to be little chance of a contempt-of-court citation or other official repercussion by McKinnon against Doyle or the police department, but the chief said he fully expects to be sued by the offender's parents. "I don't think there will be anything coming from the judge against us," he said.

Doyle said the department has been in touch with state legislators, who are due to reconvene in Tallahassee next January. A number of them, he said, are set to take the issue on. "Twenty states already do it," said Doyle. "Florida, I think, will be the 21st."

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Special prosecutor gets case that sparked Cincy riot

Fearful that a conflict of interest could develop should city attorneys prosecute the Cincinnati police officer whose shooting of an unarmed black teenager last month sparked the worst rioting in the city since the 1960s, officials have said they would appoint a special prosecutor to handle the emotionally charged proceedings.

Hours after Officer Stephen Roach, 27, filed a written plea of not guilty on May 9 to misdemeanor charges of negligent homicide and obstructing official business, City Council members voted to take the trial out of the hands of its in-house legal staff. "I think it's in the best interest of all parties involved," said Councilwoman Alicia Reese. "It's not to say our solicitor's office is incompetent in any way," but the action is the "right message to send to our citizens today," she told The Cleveland Plain Dealer.

Both the city and the police division are beginning the healing process, Lieut. Ray Ruberg told Law Enforcement News. "We've had several demonstrations, but for the most part, they've been peaceful in nature," he said. The agency is continuing its involvement in community policing, with neighborhood officers and others assigned to some areas to walk and talk with residents to try to relieve any fears

they may still have, said Ruberg.

"We work closer now with the community than in any time in my 29 years in the police division. That's why it's really discouraging for me to hear that we're not working that closely with the community. I know in fact that we are working very closely," Ruberg told LEN. "I was community policing coordinator here for a year and would hear story after story about neighborhood officers giving people their cell phone numbers and pager numbers so they have that one-on-one contact, working on problem solving."

Timothy Thomas, 19, was the fifth African American to be fatally shot by police since November, and the 15th since 1995. His shooting on April 7 was the fuse that lit a powder keg of racial animosity in Cincinnati. For three days that followed, rioters raged across the city's poor, predominantly minority neighborhoods, looting stores, attacking whites and police officers, setting fires, and causing at least \$1 million in damage. More than 800 arrests were made, including hundreds for breaking the city's first curfew imposed in more than 30 years.

To help regain control of the streets, city officials called in reinforcements from the Ohio Highway Patrol, and came dangerously close to sending for

the National Guard.

Tensions in Cincinnati began to build on Monday, April 9, when protesters staged a three-hour takeover of City Hall, jostling council members and throwing rocks and bottles at police who had formed a protective cordon around officials. After a march through the neighborhood where Thomas was shot, the crowd wound its way to police headquarters where a projectile shattered the building's glass entrance.

By Tuesday, police in riot gear were firing rubber projectiles and tear gas into a crowd that had smashed store windows, overturned trash cans and looted stores in Over-the-Rhine. The violence continued as authorities tried to control gangs of young black men who were roaming through parts of Evanston, Avondale, Walnut Hills, Madisonville and Bond Hill.

"I see on the faces of most of the people involved in these activities, not people with a social or political agenda, but simply people intent on destruction," said Mayor Charlie Luken. "Many of them seem to be having fun, enjoying themselves. There's nothing at all funny about this."

Before ordering the 8 p.m. to 6 a.m. curfew on Thursday, Luken and city officials had been considering calling in the National Guard. "If [protecting

the public] means...getting the National Guard here in Cincinnati," said Luken, "as much of a stigma as that is for our city, I intend to do just that. The determining factor is if this subsides."

The curfew was maintained throughout the weekend until Monday, April 16. Officials were concerned that even greater violence could break out during Thomas's funeral on Saturday. Hundreds of protesters marched through the streets that day. Four people were injured by bean bags fired by state and local police. Federal authorities are investigating why the nonlethal projectiles were fired into a group of people milling about after the funeral.

At the time of his death, Thomas had been wanted on 14 misdemeanor warrants, many of them for traffic violations. He was killed after Roach chased him on foot through a dark alley. According to Prosecutor Michael Allen, witnesses testified at the grand jury that the victim was wearing oversized pants and that his hands were at his waist area, holding up his pants as he ran. The only information known to police pursuing Thomas was his physical description and that he was wanted on multiple misdemeanor warrants.

The grand jury decided against indicting Roach on felony charges. Said Allen: "I know that emotions are running high over the tragic death of Timothy Thomas, but the case against Officer Roach cannot be decided based on emotion. For those who say the charges are too light and for those who say they're too severe, my response is the same: Please withhold your judgment until you know all the facts."

Roach, who joined the force in 1997, is on paid leave and has not commented publicly on the shooting.

For some observers and criminal justice experts, the violence that erupted over Thomas's death did not come as a complete surprise. Blacks, who make up 43 percent of Cincinnati's population, remain in rundown areas like

Over-the-Rhine, Avondale and other communities that were among the hardest hit by rioters. Two-thirds of African Americans fall below the federal poverty level, according to city officials. And while Cincinnati has spent millions on developing its riverfront, neighborhood leaders contend that little of that prosperity has been shared by their communities.

"The fact is that there's a perception of sort of an assault on a specific group," said Robert Friedman, a criminal justice professor at Georgia State University.

In addition to the police division's own internal investigation, the FBI has launched a preliminary civil rights inquiry into Thomas's death and that of Roger Owensby Jr., 29, who succumbed to asphyxiation while resisting arrest on Nov. 7, 2000. A coroner said he could have died as a result of a "chokehold gone bad" or from being compressed under the weight of officers holding him down. He was one of three unarmed suspects killed during those years, a period that also claimed the lives of one white and two black police officers.

The riot also caused a shakeup at City Hall, with the resignations of City Manager John Shirey and Safety Director Kent Ryan.

Ryan, who had served since 1996, left five days after the rioting began due to health reasons. Appointed as acting director was Assistant Safety Director S. Gregory Baker, who is the first African American to hold that post.

In addition, Luken hired Sylvester Murray, a Cleveland State University professor who from 1979 to 1985 had been the city's first black city manager, to advise a task force of community leaders working to ease racial tensions in the city. Murray, said Luken, is a proven administrator with "an amazing connection with the business community, the neighborhoods and with the African American community."

There's less than meets the eye with witness ID's, NY court says

Reversing a longstanding tradition, New York State's highest court ruled unanimously this month that trial judges may allow into evidence the testimony of psychologists and other experts who challenge the reliability of eyewitness accounts.

Newly appointed Judge Victoria A. Graffeo, who wrote the opinion for the Court of Appeals, left the decision to call such experts in the hands of judges, but said they must carefully consider whether such testimony will help jurors reach a decision. The court also rejected the notion that jurors do not need such assistance. Prior to the ruling, many lower-court judges automatically denied requests for such testimony, although they warned jurors about the possibility of mistakes by eyewitnesses.

Eyewitness testimony has come under increasing scrutiny in recent years as DNA testing has exonerated scores of defendants who had been inaccurately identified by victims or wit-

nesses. A 1996 study by the National Institute of Justice found that 28 sexual assault convictions based on eyewitness accounts were later overturned using DNA evidence.

Defense attorneys have long argued that they should be allowed to call witnesses who could testify about a large body of scientific research showing how easily misidentifications can occur. "Classically, the eyewitness is the king of the trial process," Paul G. Chevigny, a professor of evidentiary law at New York University Law School, told The New York Times. "It was very hard for the courts to say scientific inquiry could call into question a person who has direct evidence to give."

Psychological studies, say defense lawyers, show that mistakes happen frequently at lineups, when witnesses replace the memory of the criminal at the scene with a face they see during that process. Victims held at gunpoint tend

to focus on the weapon and not on their attacker's face. And misidentifications occur more often when a witness is trying to identify someone of another race.

Such were the issues addressed in *People v. Anthony Lee*, the case before the appeals court. Anthony Lee, a black man convicted of a 1994 carjacking, argued that his defense should have been allowed to present expert testimony as to the difficulty in identifying someone under stressful and fleeting conditions, particularly when the subject is of another race.

Lee was found guilty of robbing Michael Perani of his car at gunpoint. Perani, who is white, confronted the robber, who had gotten into his car when Perani went into a delicatessen. The man told the victim to back off, and drove away in the car.

Nine months later, Lee was arrested in Perani's car in the Bronx. Although Perani had told police he could not make an identification, he was able to pick Lee out of a photo array. Lee was convicted and sentenced to 4 to 12 years in prison.

Although the appeals court did not grant Lee a new trial, it took the opportunity to rule that such expert testimony "is not inadmissible, per se."

Although prosecutors have downplayed the ruling, legal scholars believe it could have a major impact on criminal prosecutions in the state.

"It may be the most important ruling the Court of Appeals has come down with in a couple of years," said William E. Hellerstein, a professor at Brooklyn Law School. "The court has finally recognized that lay people, and indeed even lawyers, do not necessarily understand what we have come to know scientifically about the fallibility of eyewitness testimony," he told The Times.

Black FBI agents win again in bias suit

For the third time in the past 10 years, the FBI and a group of African American agents who sued the bureau have agreed to a settlement that sets a new deadline for revision of the FBI's personnel system.

The agreement, which was approved this month by Judge Thomas Hogan of the Federal District Court for the District of Columbia, requires that new job evaluation, promotion and disciplinary procedures be in place by 2004. Agents will also be able to have some of their employment claims settled by an outside mediator. Those who are successful would be eligible for lost wages and up to \$300,000 in damages. A statement issued by the FBI said Director Louis J. Freeh and the bureau "remain committed to the obligations undertaken pursuant to the agreement, the amendment and the mediation settlement agreement, and will continue to vigorously work to complete those few remaining obligations in a timely manner."

In their original complaint, black agents claimed the bureau's Management Assessment Program was a highly subjective approach that discriminated

against them. Advancement to supervisory levels was based on personal relationships, they said, which blocked the ascension of blacks.

In 1998, the plaintiffs' attorney, David J. Shaffer, went back to court and accused the bureau of repeatedly failing to make the changes it had agreed to in a ground-breaking settlement in 1993 made under former director William S. Sessions.

According to a legal memorandum filed in federal district court, between 1992 and 1997, 1,110 "non-blacks" had been promoted to entry-level supervisory jobs. Had African Americans been promoted at the same rate, the memorandum said, there would have been 117 in such positions, instead of just 80.

At that time, the FBI said it would create a new system, eliminating the Management Assessment Program. But five years later, Shaffer said, development of the system was still years away. The bureau also said it would standardize performance appraisals, and even hired an outside contractor to design a new system, which has yet to be completed, he noted, as was a study of why black agents seemed to be disciplined at a rate twice that of white agents.



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Travis:

With crime down, cops face new challenge

By Jeremy Travis

A recent Quinnipiac University poll brought good news to New Yorkers and their new police commissioner. Since April 2000, police approval ratings jumped from 17 percent to 31 percent in the African American community, from 33 percent to 39 percent among Latinos and from 43 percent to 50 percent overall. Bernard Kerik, the commissioner since August, quickly claimed credit, saying improving public confidence is the cornerstone of his policing strategy.

Indeed, if done carefully, Kerik's ambitious citizen-oriented program for police managers could set a national example. But success depends on understanding what is needed to bring confidence levels up.

Lower crime rates don't automatically yield higher public approval ratings. Crime has declined nationally eight years in a row to the lowest levels in a generation. As it went down, confidence in police crimefighting abilities went up, but public approval of the police as an institution remained constant.

What factors, then, might influence the public's approval of their police? Ample research now confirms that police must pay attention to the difficult issues of race, political powerlessness, poverty and respect.

African Americans, for example, for instance, have about half the level of confidence in the police as whites, according to national polls. But poverty and powerlessness may matter even more than race. Sociologist Robert Sampson reports, for instance, that whites living in poor, high-crime neighborhoods are just as hostile toward the police as blacks. A Vera Institute of Justice study in

(Jeremy Travis, a senior fellow at the Urban Institute, was director of the National Institute of Justice from 1994 to 2000. Prior to that he served as the NYPD's deputy commissioner for legal matters. This article originally appeared in *The [New York] Daily News*.)

Jackson Heights, Queens, finds that immigrant communities, poorly represented in local politics, have less confidence in police than do their politically empowered black and Italian neighbors.

Finally, respect is key to trust in police. When officers explain their actions, listen well and act professionally, respect for police increases immeasurably.

But identifying these factors is far easier than dealing with them. For that, two strategies are essential — engagement and measurement. Kerik's plan builds on both, beginning with the requirement that precinct commanders, special units and other key staff engage in community problem solving.

In Chicago, home to an ambitious community policing initiative now in its fifth year, public ratings of police responsiveness, effectiveness and

demeanor are up 12 to 20 percentage points. The initiative emphasizes discussions with residents about crime and disorder. Contrary to stereotypes, attendance at community meetings was highest in some of the poorest and most crime-ridden neighborhoods.

The Kerik plan also invites day-to-day public scrutiny. Kerik will commission an independent survey of the "customers" of police services, ranging from people who ask police for help to those stopped and frisked on the street. Repeated regularly, these service indicators could become as important as crime statistics in measuring police effectiveness.

To succeed, these surveys must be independent and open to public scrutiny, and cover all possible friction points (arrests, warrant enforcement and 911 calls, for example). They must re-

fect local conditions, not just citywide averages, and give priority to groups with frequent police contact, such as young people or crime victims.

A credible, effective confidence-building system could transform police work. Officers would be evaluated on the quality of their public encounters. Managers would be promoted if customer satisfaction increased. The public would get regular reports on the professionalism of their police.

And why not make New York the model? The NYPD pioneered crimefighting strategies and accepted accolades for creating a safer city, only to watch public trust shatter after high-profile shootings and disclosure of excessive street tactics. Just as the city was a leader in curbing crime, it can now lead the way in boosting confidence in the police.

Kokkelenberg:

Leadership's bond of trust

By Lawrence D. Kokkelenberg

The old military dogma, one also quite familiar to many areas of the private sector, was "I am the boss, you are the subordinate, just do what I tell you to do. You don't have to trust me, in fact you don't even have to like me. Just follow or-

(Dr. Lawrence D. Kokkelenberg is a psychologist who has worked with law enforcement for the past 12 years and is a member of the law enforcement team for Franklin Covey Company. He holds a Ph.D. in clinical and industrial psychology. His work with law enforcement is in the areas of leadership, teamwork, ethics and integrity, organizational change, management development, community policing, and outdoor or experiential learning techniques. Dr. Kokkelenberg can be reached at 815-344-2500.)

ders." Many old adages support this paradigm: "Leadership is a lonely position." "A manager's job is to manage, not run a popularity contest." "If you are going to lead, then lead." "When I tell you to jump, just go up. I'll tell you when to come down."

This autocratic approach worked well for America for 200 years, but that was back in the days when life was simple. Back then if you did not work, you did not eat. Today if you don't work, you can make a pretty good living. We are not economically or financially bound by a job today as we were then. Back then, having a job was only a means to an end (providing for your family). Today, having a meaningful career is an important end in itself. Back then, we worked for someone; today we want to work with someone. (Today there are no "employees"; everyone is an "associate.") Back then, work came first, then family. For many workers today, family is first and work second. Back then there was little, if any, civil rights laws, today, everyone has rights.

Times have changed, people's values have changed. People today are more sophisticated and more mature than the workers of 50 years ago. In

fact, the entire culture has changed, and if leadership does not change its style then it is the leadership that is out of sync with the culture and the desires of the American work force. The new Generation X'ers will only serve to prove the above even further and more rapidly than the current generation.

More than ever before in the history of American management, values are critical. One merely needs to look at the Clinton presidential scandals to know that values are important. A leader's values color the entire organization or country. Today kids are lying in school and saying "Why not, the President does it." Values drive the behavior and therefore the culture of an organization. All organizations have values, whether they know it or not. Simply watch how people are treated in any organization and you'll see their informal values. Trust is one of those critical values.

Why is trust important? Because all good sustained relationships require trust. Think about this: Would you voluntarily follow anyone you did not trust? We learned this lesson in Vietnam about not trusting our military leaders. Look what happened

Continued on Page 10

Letters

Work on demand

To the editor:

It is sad to see that, like most of our "modern" print news media, you put your editorials on the front page in the guise of unbiased news articles.

Your article on the D.A.R.E. program ("DARE to Be Different," LEN, Feb. 28, 2001) is extremely biased and unbalanced. You make little if any effort to tell both sides of this story. You made no mention of the 17-plus research studies that show that D.A.R.E. does have an effect on students. You made no mention of the fact that D.A.R.E. America has continually revised its curriculum over the years to keep current of the newest teaching trends and to stay culturally relevant. You point out that D.A.R.E. funding was cut by the Office of Safe and Drug-Free Schools because it is not "scientifically proven." Can you name one program that is scientifically proven?

Do some administrators bitch about losing an officer? Of course they do. We have a catch-the-bad-guy mentality. We want to work the supply side of the drug problem. Working the demand side isn't nearly as exciting as doing buy-busts and search warrants. How successful have we been at working the supply side of the drug problem? If we take 10 percent of the drugs off the street, we are considered successful. If we change 10

percent of students' minds about using drugs, we are a failure. I work in a 13-man department. Ten of the 13 officers actively work the supply side of the drug problem. One officer works the demand side. Which side of the drug problem has the most potential for success? I'll take the demand side any day.

D.A.R.E. is not a perfect program. But in a time when community-oriented policing is supposed to be the wave of the future, I am not aware of any program that is more effective, or one that puts a department in touch with the community it serves better than the D.A.R.E. program.

Officer DAN FARRELL
Selah Police Department
Selah, Wash.

Note to Readers:

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Forum: The case for trust in leaders

Continued from Page 9
to those individuals.

To be a leader, you must have followers. So the question to ask yourself is why in the world would anyone choose to voluntarily follow you. What traits or characteristics do you possess that would encourage people to say, "I'll go with you anywhere"? Here is the acid test. If you left your current department or agency and went to another, would you have people who would want to transfer with you, or would the remaining staff now have a party because you're gone?

Certainly one of the key characteristics of an effective leader is that followers trust him or her. Have you ever worked for someone you did not trust? What was the atmosphere like? How would you characterize your relationship with him or her? What were some of the qualities or traits of this boss? Contrast this with someone you did trust. What was this atmosphere like? How would you characterize this trusting relationship? What were some of the qualities or traits of this boss?

Leadership is not about position, title or rank; it is about developing, possessing or acquiring the necessary

traits to encourage people to voluntarily follow us. We tend to trust those individuals who have integrity, solid values and a strong character ethic. We tend not to trust those individuals who are duplicitous, upholding the law for

"What traits or characteristics do you possess that would encourage people to say, 'I'll go with you anywhere'?"

others while violating it themselves. How many officers speed on their way to and from work every day, and then write tickets for citizens who do the same? We tend not to trust individuals of low moral character and behavior. We tend not to trust individuals whose values are lower than our own or in violation of our own.

If you want to be a trusted leader, work on your character and be trustworthy. Over time, establish yourself as an individual of great character and moral strength, walk the talk, have integrity, be honest and fair, do the right things and you will be a trusted leader.

A free, 6-credit taste of college for NYC cops

Continued from Page 1
indication of the commitment which the officers have to public service and the people of New York.

"That bodes so greatly for the future relationship between the police department and the public," he told Law Enforcement News. "It's probably one of the best programs that we've innovated in all the years I've been on the council."

According to William Devine, program director and academic adviser with the college's Office of Professional Development and Training, applications for the courses were processed through the police academy's scholarship unit in an effort to both identify and give preference to those just a few credits short of qualifying for promotion to sergeant. All applicants, however, were accepted into the program.

In the supervision and leadership course, coordinated by professors Maki Haberfeld of the college's Department of Law, Police Science & Criminal Justice Administration and Patrick O'Hara of the Department of Public Management, students' time will be divided between classroom discussion and keynote speakers who are experts in a wide

range of law enforcement issues, including high-intensity policing, values, stress and team building.

"The six modules are all really skewed toward how to move from management into leadership," Haberfeld told LEN. "We want to show them that we need good managers, but we also need good leaders."

The field of police leadership is relatively new, she said, with little in the way of a body of research or literature from which to draw. "[Yet], everybody in policing is talking about leadership," said Haberfeld. "It is important to emphasize that we are the first who offer something structured in terms of training to police organizations that [stresses] pure leadership. This course is really innovative, it is a really pragmatic approach."

Both Haberfeld and O'Hara believe that police officers need leadership education and training as well as supervisory training because "you not only tell the officers what to do and dictate rules, you also inspire," said O'Hara.

Many of the students are on lists to be promoted, but have not yet become supervisors, he told LEN. The class gives them time to consider leadership issues before they take that step. "One of the great values of this is that they're not in the training academy," said O'Hara. "They are pulled away from that environment, we are explicitly asking them to think about issues that are important to their leadership, their supervision on the job, to their being supervised on the job, to their interfacing with the community."

Instead of blocks of instruction on the demography of the city, said O'Hara, the class will compel students to think about the issues "that go to the

heart of the job, whether it be stress, or communication, or delegation, or team building, or leadership, or leading police in crisis situations."

Participation and personal experience will also anchor the teaching methodology in the course on "Police Supervision in a Multiracial and Multicultural City," said Prof. Janette Domingo, chairwoman of the college's African-American Studies Department and coordinator of that class.

"There will be very little lecturing," she told LEN. "We want them to take ownership of this. They can participate and they will be heard."

Domingo said the goal of the course, which will be taught by faculty from a variety of social science disciplines, is to give the officers and supervisors a historical grounding as well as an understanding of current events. It will provide them with some "social science tools for critical thinking," she said, which will help them develop a better understanding of racism and intolerance, and how those have affected the structure of society and the role of law enforcement.

In coming weeks, said Domingo, panel discussions will be presented that will bring together human rights' attorneys, community representatives, civil libertarians, and activist groups within the police department, including 100 Blacks in Law Enforcement Who Care.

"We have ethnic studies classes as part of the general curriculum, but this was a totally new curriculum that was put together specifically for the police officers," she said. "We're trying to draw as much as possible on the officers' experience and their knowledge base to respect that and use it as part of the class discussion and build on that."

Headlines are not enough

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Law Enforcement News

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(51501)

Minnesota mulls licenses for illegals

Continued from Page 1

to federal buildings, buying a gun."

The state accepts more than 30 different types of documents in coordination with the INS which are considered to be reliable, he said. But Badillo-Moorman and other advocates charge that it became harder for illegal immigrants to obtain licenses in 1998 when the Department of Public Safety stopped accepting foreign birth certificates and passports from immigrants applying for licenses. In addition to proving their identity, immigrants also have to present proof of legal status in the United States.

Supporters are proposing that 5,000 illegal immigrants from the Twin Cities be allowed to apply for licenses under the old regulations or by obtaining a taxpayer identification number from the Internal Revenue Service.

Olson said he does not see a problem with allowing illegal immigrants to set up bank accounts, either. As police commissioner of Yonkers, he said, police confronted gangs who preyed on aliens whom they knew to be carrying around cash. Knowing they would not

call law enforcement for fear of being turned into the INS, Olson sent a message to the community that they wanted only to catch the thieves.

In Minneapolis, he noted, immigrants are often witnesses to crimes carried out by dangerous Hispanic gangs. Police are often unable to gather information because witnesses are fearful they will be turned into authorities. "So we lose that, as well," said Olson.

But what gets lost in the discussion, Weaver stressed, is that the population at the center of the debate are here illegally. Law enforcement should not have the discretion to enforce some ordinances and not others, he said. "From a law enforcement perspective, I'm really incredulous that any officer—and Bob Olson is a friend of mine—would suggest they simply are going to choose not to follow the law when it comes to illegal immigrants."

When state troopers stop someone who turns out to be an undocumented alien, he said, that individual will be turned over to INS. "They are illegal aliens and we can't, we shouldn't, turn a blind eye to that."

MOVING?

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OkC lab work under the microscope

With the work of a veteran Oklahoma City police chemist under scrutiny by the FBI, state officials last month halted the scheduling of executions until investigators can re-examine physical evidence in felony cases where the chemist's testimony played a major role in winning convictions.

According to a report by federal investigators that was leaked to The Daily Oklahoman in April, the chemist, Joyce Gilchrist, misidentified hair and fiber samples linked to a suspect or victim in six of eight cases between 1981 and 1993, and gave testimony that "went beyond the acceptable limits of forensic science."

The FBI was asked to investigate Gilchrist in February by Oklahoma City Police Chief M.T. Berry after the department uncovered a problem with her work. Under a program run by the Oklahoma Indigent Defense System in which older cases are put through DNA

analysis, fibers analyzed by another chemist in the case of Jeffrey Todd Pierce resulted in a different conclusion than that reached by Gilchrist years earlier.

Gilchrist's analysis, which said Pierce's hair was "microscopically consistent" with hair found at the scene, was instrumental in sending Pierce, now 38, to prison for 15 years. Exonerated, Pierce was released May 7.

Special Agent Douglas W. Deedrick, an FBI chemist, concluded that Gilchrist made errors in six of eight cases he reviewed, including Pierce's. His examination covered her trial testimony and microscopic slides. The lab notes, said his report, "were often incomplete or inadequate to support the conclusions reached." In five criminal cases, Deedrick found, she erred in identification or interpretation of all of them.

What most concerns state officials

and police, however, may be Gilchrist's testimony in 12 trials that resulted in the death penalty. In 11 more cases, the defendant has already been executed.

In addition to the investigation into her work by the Justice Department, the state has launched its own probe, but in doing so has come under considerable fire from defense attorneys.

"The attorney general has a clear conflict of interest," said Douglas Parr, a member of the board of the Oklahoma Criminal Defense Lawyers Association, noting that Attorney General Drew Edmondson represents the state in federal appeals involving Gilchrist's work. The lawyers' group has called for the appointment of a special prosecutor who would be independent from Edmondson, the Oklahoma City Police Department and the Oklahoma County district attorney.

"They have in the past defended Ms.

Gilchrist's testimony in court," Parr told The New York Times. "They are currently defending her and her opinions in federal appellate courts in at least 12 death penalty cases, where they are arguing that her opinions are valid and she has done nothing wrong."

Gilchrist, who is on administrative leave, has served with the police forensic lab for 21 years. In 1994 she was promoted to a supervisory role. But her work has come under scrutiny in the past. A Kansas City, Mo., chemist in 1987 lodged a complaint against her with the Southwestern Association of Forensic Scientists, accusing her of testimony beyond her scientific expertise.

Then, in 1988, the Oklahoma Court of Criminal Appeals overturned the murder conviction of Curtis Edward McCarty and ordered a new trial because Gilchrist gave "personal opinions beyond the scope of scientific capabilities."

Two years ago, rape and sodomy convictions against Alfred Brian Mitchell were overturned by U.S. District Judge Ralph Thompson because Gilchrist gave "untrue" testimony and failed to share DNA results with Mitchell's attorney. Although the judge left standing the defendant's murder conviction, he said the analysis would have pointed to Mitchell's innocence on two of five charges.

Gilchrist is not the first forensic scientist to come under fire in the past few years. In Lubbock, Tex., pathologist Ralph Erdmann was convicted in 1992 on six counts of falsifying autopsies in Lubbock, Hockley and Dickens counties. Murder charges in an Odessa case had to be dropped several years ago when Erdmann misplaced a victim's head which contained a bullet wound.

And in West Virginia, serologist Fred Zain's entire body of work was discredited in 1993 when the state Supreme Court ruled he had either fabricated or misrepresented evidence. Zain was also fired from the San Antonio medical examiner's office in 1993 after being accused of faking and altering a lab report and giving false testimony in a rape case.

In Chicago, in a case some say may have statewide and national repercussions,

three men who spent years in prison for rapes they did not commit have filed civil lawsuits against Pamela Fish, a former Chicago crime lab analyst. The suits allege that Fish, who is now a lab supervisor with the state police, misled juries and ignored exculpatory evidence.

The three men were freed after DNA testing proved their innocence.

Ethics are a major issue in forensic science, said Dr. Lawrence Kobilinsky, a serologist and professor of forensic science at John Jay College of Criminal Justice.

There are moments when the scientist can take shortcuts to save time, to save money, whatever reason," he told Law Enforcement News. "When you have scientists working for police agencies, there is a pressure on them and it comes mainly from the prosecution side. A lot of these people think — and they shouldn't — that they're working with the police department. My feeling is, and I feel very strongly, that scientists should be employed through their own organization. It shouldn't be connected to either the prosecution or the defense."

It is virtually unheard of for a defense attorney to go to the crime lab and ask for help on behalf of a client, he said.

"What I'm hoping is there are pockets where these things occur and it does not point to a general problem across the country," Kobilinsky told LEN.

Since jurors do not often understand the science, credibility is of utmost importance, he said. Credible scientists have the power of life and death, stressed Kobilinsky. Watching Gilchrist interviewed recently on the CBS News program "60 Minutes," Kobilinsky said that what came across was her self-confidence and self assurance.

"You look at her, you listen to her, and you believe what she says," said Kobilinsky. "There is a tremendous danger here that you have somebody who is either taking shortcuts or biased, lending an opinion that might be her private opinion, not an opinion based on scientific facts. This person can do tremendous damage. We're talking about capital punishment cases here."

Has the COPS program finally run its course?

Continued from Page 1

policing," he told Law Enforcement News. "It sets a tone for where the monies are going and I think the tone will detract from overall gains, the accomplishments we've made in effectively reducing crime by using more brains and less brawn."

Olson is also concerned by that possibility. It is less a matter of what is being cut than what is being funded. The COPS office, he said, made it clear that the community-oriented policing concept was one every policing entity in the nation needed to get behind, he said. "We would hate to see anything that would diminish that and get some of these communities to start slipping back to the old reactive policing philosophy, which we know does not work."

At the local level, police and state lawmakers are also unsettled by the cuts. "This federal COPS program is a great program," Representative Steve Rothman, a New Jersey Democrat, told The (Bergen County) Record. "It has brought results."

Rothman brought together elected officials and police officers from more than a dozen North Jersey towns on May 7 in a protest in front of Wallington Police Department headquarters. Lined up in testimonial fashion, officials ticked off the number of officers hired and programs made possible with COPS money, according to The Record. Garfield, which received nearly \$900,000 in grants, has been able to hire 11 officers and start a bike patrol, said Officer Rich Uram.

"We probably wouldn't be here now if it wasn't for the COPS grants," he said. Uram and Officer Joe Marsh, who also attended the rally, were both hired with federal funds.

According to Justice Department data, programs that would be eliminated under Bush's budget have brought close to \$27 million to 71 departments in Bergen and Passaic counties — enough money to hire 376 full-time officers.

"It would really be a great loss to our department," said Little Ferry police Lieut. Ralph Verdi. The city has received approximately \$600,000 in grants.

In Maine, the state's congressional delegation is trying to secure enough funding for COPS to hire 50,000 new officers nationwide. Maine's Republican senators, Olympia Snowe and Susan Collins, have co-sponsored legislation introduced by Senator Joseph Biden (D.-Del.), which would reauthorize the program.

Said Representative John Baldacci, from the state's 2nd Congressional District: "It's an important program. It has been a tremendous asset to local law enforcement throughout the state, from our smallest towns throughout northern and central Maine to all of the larger communities in Portland and Bangor and Lewiston and Auburn."

But Republicans contend that the 1994 Clinton Administration initiative has simply run its course. With COPS having met its goal of putting close to 100,000 new community policing officers on the streets, they say, funding should be directed to other programs. By reducing the funding for the COPS office, Bush has proposed giving a portion of the savings to an initiative to help schools hire 1,500 security officers. Indeed, the proposed funding for school resource officers would remain at \$180 million.

Money saved from cuts in the COPS budget would also be used to upgrade police technology, improve crime labs and reduce gun violence. At a promotion ceremony in May that was part of National Police Week, Bush announced the launch of a Project Exile-type program called "Project Safe Neighborhoods." Much like the successful initiative that originated in Richmond, Va., (LEN, Dec. 15/31, 1999), the two-year, \$550-million program calls for federal and local authorities to work together to prepare and review gun cases for prosecution. It calls for the hiring of 113 new assistant U.S. attorneys and 600 state and local prosecutors.

"There are certain programs that can work perfectly and not necessarily be continued," said Attorney General John Ashcroft told a gathering of the National Organization of Black Law Enforcement Executives in April.

William Flanagan, the U.S. Attorney for the Western District of Louisi-

ana, said that while the COPS initiative has excelled as a seed program, it is time to move on to other aspects of law enforcement. "The way I see, rather than look at it as a budget cut, it's more of an evolution of the COPS program and the whole idea of community policing — to use the money for technology and for officers in schools as opposed to what it has been doing."

Since 1994, law enforcement agencies in the state have received more than \$100 million a year in COPS grants. In Iberia Parish, Sheriff Sid Hebert has secured more than \$700,000 under the various COPS programs. The four deputies he hired with federal money will still have jobs should the grant funding stop, he told The (Baton Rouge) Advocate, but it will be hard on those agencies that have had to stretch their budgets to meet the one-year self-funding provision in all COPS grants.

"It's gonna kill them," said Hebert. "They're gonna end up losing whatever they got."



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Community policing — is the party almost over?

Bush's budget proposal starts to turn out the lights for the COPS office. **Page 1.**

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What They Are Saying:

"We would hate to see anything that would diminish that and get some of these communities to start slipping back to the old reactive policing philosophy, which we know does not work."

— Minneapolis Police Chief Robert Olson, president of the Police Executive Research Forum, reacting to the budgetary downsizing facing the federal Office of Community Oriented Policing Services. (Story, Page 1.)